C.S.108

(3)
(1)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR(C.G.)

WRIT PETITION NO. 3415 /2004

PETITIONER

SMT RAJIM BAI YADAV, WIFE OF SHRI GENDLAL YADAV, AGED ABOUT 41 YEARS, RESIDENT OF SAKRIJAVA, BLOCK AARANG, DISTT. RAIPUR (C.G.)

P.R. No. 3283/04
Presented by Shri Mallika Das
dated 13-9-04

VERSUS

RESPONDENTS

1. THE STATE OF CHHATTISGARH, THROUGH : SECRETARY, DEPARTMENT OF PANCHAYAT AND SOCIAL WELFARE DKS BHAWAN, MANTRALAY, RAIPUR (C.G.)

2. THE DIRECTOR PANCHAYAT, CHHATTISGARH RAIPUR, C.D.

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13.9.04
Clerk to A.G. Bilaspur

3. CHIEF EXECUTIVE OFFICER, JANPAD PANCHAYAT-AARANG, RAIPUR (C.G.)

4. SUB DIVISIONAL OFFICER AND VIHIT PRADHIKARI, RAIPUR.

5. THE TAHSILDAR, TAH. AARANG, RAIPUR (C.G.)

6. THE SECRETARY, GRAM PANCHAYAT SAKRIJAVA, AARANG, DISTT. RAIPUR (C.G.)

7. THE UPPER COLLECTOR, RAIPUR.

8. THE COLLECTOR, RAIPUR (CG)

(4)
(2)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS, CERTIORARI, PROHIBITION AND FOR OTHER SUITABLE WRIT OR WRITS, ORDER OR ORDERS, DIRECTION OR DIRECTIONS.

(53)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP 3415/ सन् 2004

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

23.12.2004

On a mention being made, the matter is taken up for hearing.

Smt. Fouzia Mirza, counsel for the petitioner.

Shri Bhaskar Pyasi, Panel Lawyer for the State/respondents No.1, 2, 4, 5, 7 and 8.

Shri Pankaj Shrivastava, counsel for respondent No.6.

Heard.

This writ petition has been preferred under Article 226/227 of the Constitution of India against the order dated 24.8.2004 (Annexure P-1) passed by the Director, Panchayat, Chhattisgarh, Raipur, whereby pending appeal before the Director, the application preferred by the petitioner herein for staying the effect and operation of the order passed by the prescribed authority has been rejected.

Perusal of the relief clause of this writ petition shows that the petitioner has prayed for quashment of the order Annexure P-5 issued by the prescribed authority, whereby the petitioner has been removed from the post of Sarpanch under Section 40 of the Chhattisgarh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993, and it is admitted position that appeal against that order is still pending before the Director, Panchayat.

Learned counsel for the petitioner submits that notification for constituting the new Panchayats has already been issued and in view of the pendency of appeal and the order passed by the prescribed

(54)

XI-HC—78

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आदेश पत्रक (पूर्वानुबद्ध)

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authority, the petitioner will not be able to contest the elections. In the circumstances, now the only prayer is that the Director, Panchayat, be directed to dispose of the appeal as early as possible so that in case the petitioner succeeds she will be able to file her nomination for contesting the ensuing Panchayat elections as the last date of nomination is 28th of December, 2004 only.

Since the prayer for staying the order passed by the prescribed authority has been rejected by the Director, Panchayat, therefore, in all fairness the Director, Panchayat ought to have decided the appeal as early as possible in order to allow the petitioner to take appropriate remedy under the law.

Therefore, on the prayer made by learned counsel for the petitioner, this writ petition is disposed of with a direction that the Director, Panchayat, shall dispose of the appeal itself as early as possible, if possible before 28th December, 2004, so that the fate of the petitioner should not remain in dilemma.

In view of this order, M.(W.)P.No.3001/2004 stands disposed of.

Certified copy today itself.

Sd/-
L.C.BHADOO
Judge

Soma